

BRIEFING PAPER

DATE: March 7, 2005

TOPIC: Gulfco Marine Maintenance Superfund Site

BACKGROUND:

The Gulfco Marine Maintenance Superfund Site ("Site"), consisting of approximately forty acres, is located on the Intracoastal Canal near Freeport, Texas. The Site property contains wetlands and is adjacent to a residential neighborhood. From 1971 to 1998, it was occupied by a barge cleaning operation. Region 6 sent a Special Notice Letter on July 14, 2004 inviting the identified potentially responsible parties (PRPs) to negotiate an administrative order on consent (AOC) to conduct a remedial investigation and feasibility study (RI/FS). The PRPs did not submit a good faith offer during the moratorium and the Region concluded negotiations. The PRPs subsequently sent a letter committing to do the RI/FS. Based on this commitment, EPA reopened negotiations. An agreement was discussed over a series of meetings although the PRPs ultimately indicated an unwillingness to sign any agreement for an RI/FS. The PRPs then suggested that cleanup should be done under the State Voluntary Cleanup Program (VCP).

CURRENT STATUS:

Voluntary Cleanup Program

- Not intended for NPL caliber sites with this high level of contamination
- Intended for small sites with minor contamination (i.e. gas stations)
- Memorandum of Understanding between EPA and TCEQ expressly prohibits NPL Sites from the VCP

Potentially Responsible Parties are Uncooperative

- Requested 6 month delay of negotiations
- Came to negotiations unprepared
- Spent entire negotiations contesting sampling done in HRS package
- Objected to providing all sampling data to EPA

Minimum EPA Requirements in Order to Delete Site From NPL

- Mechanism: AOC with EPA
- Oversight of investigation and cleanup
- Public Participation
- Assurance that all appropriate response actions are completed
- Consistency with other NPL actions

EPA is negotiating an AOC with the PRPs to do an investigation with EPA and then do cleanup under appropriate state laws as long as EPA requirements to delete Site from NPL are met. The PRP Investigative Work Plan is due on April 18, 2005.



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